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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,348	07/31/2003	Tetsujiro Kondo	450101-02499.1	3471
7590 02/04/2009 FROMMER LAWRENCE & HAUG, LLP. 10TH FLOOR 745 FIFTH AVENUE NEW YORK, NY 10151				
EXAMINER RAO, ANAND SHASHIKANT				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 02/04/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/631,348

Applicant(s)

KONDO ET AL.

Examiner

Andy S. Rao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.

4a) Of the above claim(s) 2-11, 14-21, 23-32, 35-42, 44-53, 55-63, 65-66, 68-80 is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 13, 22, 33, 34, 43, 54, 55, 64 and 67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed on 11/17/08 with respect to claims 1, 12-13, 22, 33-34, 43, 54-55, 64, and 67 have been fully considered but they are not persuasive.
2. Claims 1, 12-13, 22, 33-34, 43, 54-55, 64 and 67 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Martens et al., (hereinafter referred to as "Martens") in view of Vock et al., (hereinafter referred to as "Vock"), as was set forth in the Office Action of 11/17/08.
3. The Applicants present two substantive arguments contending the Examiner's rejection of claims 1, 12-13, 22, 33-34, 43, 54-55, 64 and 67 under 35 U.S.C. 103(a) as being unpatentable over Martens et al., (hereinafter referred to as "Martens") in view of Vock et al., (hereinafter referred to as "Vock"), as was set forth in the Office Action of 11/17/08. However, after further scrutiny of the references and due consideration of the arguments presented, the Examiner must respectfully disagree for the reasons that follow.

After summarizing the current status of the claims (Amendment of 11/17/08: page 27, lines 5-19), stipulating Applicant's actions in overcoming the non art based rejections (Amendment of 11/17/08: page 28, lines 1-9), presenting the salient features of the claims under discussion (Amendment of 11/17/08: page 28, lines 10-25; page 29, lines 1-2), providing the Applicant's interpretations of both the primary reference (Amendment of 11/17/08: page 29, lines 1-19) and secondary reference (Amendment of 11/17/08: page 29, lines 20-21; page 30, lines 1-8), the Applicant's argue that the proposed Marten's-Vock combination fails to address the "...including memory means for storing relationship information generated by learning based on camera motion information....physical motion of the camera..." as in claim 1 (Amendment of

11/17/08: page 31, lines 1-6) as in the claim, because Vock's camera argued to be stationary (Amendment of 11/17/08: page 30, lines 8-21). The Examiner respectfully disagrees. Vock discloses that the user wears the camera inclusive video station equipment (Vock: column 26, lines 55-65), and the cameras used are moving as well. As such, the Examiner maintains that the Martens-Vock combination is viable and that the combination would address the limitation.

Lastly, the Applicant's argue that Martens-Vock combination fails to address the "...desired image signal is a signal obtained for learning processing...a learning section of the apparatus..." as in the claim (Amendment of 11/17/08: page 31, lines 7-15). The Examiner respectfully disagrees. The Examiner notes that Vock clearly discloses the use of neural networks (Vock: column 50, lines 1-15), and the neural network processing would result images presented for reviewing by the video stations. Accordingly, the Examiner maintains that the limitation is met.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title

5. Claims 22, 33-34, and 64 are rejected under 35 U.S.C. 101 as not falling within one of four statutory categories of inventions. Supreme Court precedent and recent Federal Circuit decisions indicate a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively

tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example there is no apparatus mentioned either in the preamble nor in the subsequent limitations for executing the method, nor is the generating of camera motion information considered transforming of a signal, *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao

Art Unit: 2621

Primary Examiner

Art Unit 2621

asr

/Andy S. Rao/

Primary Examiner, Art Unit 2621

February 2, 2009